



Shanghai Consulate News for Americans

Issue 61

February 2013

In China's Legal System

Leaving China?

Did you know that you can end your enrollment with the Smart Traveler Enrollment Program (STEP) by visiting the step.state.gov site? If you previously submitted a paper enrollment form to the U.S. consulate, you may end your enrollment by sending an email request to: ShanghaiACS@state.gov.

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Americans living or traveling in China are subject to Chinese law.

RESPECT THE LAW

Foreign laws and legal systems can be vastly different than our own. There are also some things that might be legal in the country you visit, but still illegal in the United States. For example, you can be prosecuted under U.S. law if you buy pirated goods. Engaging in sexual conduct with children or using or disseminating child pornography in a foreign country is a crime [prosecutable in the United States](#). If you break local laws in China, your U.S. passport will not help you avoid arrest or prosecution. It is very important to know what is legal and what is not wherever you go.

China gives the police the authority to detain and deport foreigners for a wide variety of reasons, including engaging in prohibited religious activities and soliciting prostitutes. If you do not have your passport with you, you may be taken in for questioning. China has strict laws against driving under the influence of alcohol that can lead to immediate detention on a criminal charge.

If you are arrested in China, the U.S.-China Consular Convention requires Chinese authorities to notify the U.S. Embassy or nearest consulate general of your arrest within four days. Typically, the police will not allow anyone other than a consular officer, including your family or even an attorney,

to visit you during your initial detention period. Bail is rarely granted in China, and you can be subject to detention for many months before being granted a trial.

The U.S. Consulate does not have law enforcement jurisdiction in China. The Consulate advises all Americans to contact their local police station and/or an attorney with concerns. For a list of attorneys, please go to http://shanghai.usembassy-china.org.cn/law_firms.html. We also provide a [pamphlet on Chinese criminal law](#).

CIVIL/CRIMINAL DISPUTES

Business disputes in China are not always handled through the courts. Incidents of American citizens being detained against their will by workers or hired gangs for the specific purpose of extorting money or intimidating for other gains have increased. Typically, the American is threatened with violence and detained at a factory, hotel, or private residence until payment is negotiated and delivered. Sometimes the American is physically assaulted or abducted.

Anyone entering into a contract in China should have it thoroughly examined, both in the United States and in China. Contracts entered into in the United States are not

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Upcoming Holidays & Other Closures

A full list of all of our holiday closures is online at <http://shanghai.usembassy-china.org.cn/holidays.html>. The ACS Unit will be **CLOSED** to the public on:

March 8, 2013, Friday, 12 p.m. - 5 p.m. **International Woman's Day** 国际妇女节 Guójì Fùnǚ Jié

** Please note that there will be **no passport pick-up services** on the afternoon of March 8, Friday.

April 4, 2013, Thursday **Tomb Sweeping Day** 清明节 Qīngmíng Jié

72-hour Visa-free Transit in Beijing or Shanghai

(From <http://www.chinaembassy.org.nz/eng/lsqz/t1002503.htm>)

Starting from 1 January 2013, holders of passports issued by the following countries do not need a visa if transiting through Beijing Capital International Airport, Shanghai Pudong International Airport and Shanghai Hongqiao International Airport, provided they hold valid passports, visas for the onward countries, final destination tickets and have booked onward flight seats, and stay in Beijing or Shanghai for less than 72 hours.

Argentina, Austria, Australia, Belgium, Brazil, Brunei, Bulgaria, Canada, Chile, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Poland, Portugal, Qatar, Romania, Russia, Singapore, Slovakia, Slovenia, South Korea, Spain, Sweden, Switzerland, United Arab Emirates, Ukraine, United Kingdom, **United States**.

** IMPORTANT **

1. It only applies to passengers who are transiting through Beijing Capital International Airport, Shanghai

Pudong International Airport and Shanghai Hongqiao International Airport. The destination and place of departure cannot be the same. (e.g. New York – Shanghai – New York)

2. It does not apply to passengers who are travelling by train, ship or other means of transportation.

3. Visitors are not allowed to leave Beijing or Shanghai to other cities during the 72-hour visa-free period. You must depart from the city where you arrive in. For example, if you arrived at the Shanghai Pudong Airport, you must depart from Shanghai, NOT from the Beijing Capital International Airport or other airports.

4. The 72 hours will be counted from the time when the transit permit is granted, not from the time when the flight lands at the airport.

5. For more information, please contact:

Beijing Exit and Entry Frontier Inspection

0086 10 56095400

Shanghai Exit and Entry Frontier Inspection

0086 21 51105100

American Citizen Services (ACS) Contact Information

U.S. Consulate General, Shanghai, China, 1038 West Nanjing Road, 8/F

Westgate Mall 梅龙镇广场 (Méi Lóng Zhèn Guǎng Chǎng)

Routine Services: 8:00am - 11:30am Passport Pickups: 1:00pm - 3:00pm

Mon - Fri *Closed on Wednesday afternoons, weekends, and holidays.

After Hours Emergencies: (86-21) 3217-4650 Homepage: shanghai.usembassy-china.org.cn/service.html

In China's Legal System

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enforced by Chinese courts. Care should also be taken when entering into a lease for an apartment or house. There have been instances of foreigners being ejected from their apartments because of lease disputes, and being prevented from re-entering, even to retrieve their belongings.

Americans doing business in China should be aware that if they become involved in a business and/or civil dispute, the Chinese government may prohibit them from leaving China until the matter is resolved. There are many cases of American citizens being prevented from leaving China for months and even years while their civil cases are resolved. Civil cases may

sometimes be regarded as criminal cases and the defendant may be placed in custody.

The Consulate is unable to intervene in civil cases and has little influence with the Public Security Bureau. If you are involved in a civil or business dispute we recommend that you contact an attorney immediately.

For more information on doing business in China, please see the U.S. Commercial Service's website at <http://www.buyusa.gov/china/en/>.

RELEVANT NEWS LINKS

In China's Most-Watched Divorce Case, 3 Victories, 1 Defeat

rendez-vous.blogs.nytimes.com/2013/02/04/in-chinas-most-watched-divorce-case-3-victories-1-defeat/?src=twrhp

China: For Many Expats, It's Not Worth It

<http://www.businessweek.com/articles/2012-09-20/china-for-many-expats-its-not-worth-it>

Expat Suing Chinese Landlord In Lease Dispute

http://szdaily.sznews.com/html/2012-09/03/content_2186773.htm

Expat Without Work Permit Loses Lawsuit

http://www.china.org.cn/china/2012-07/06/content_25833368.htm

Travel Warnings and Alerts

Security reminder: It is advisable that you and your family review your personal security profile and be aware of your surroundings at all times.

Since our previous Newsletter, the U.S. Department of State has issued new **Travel Warnings** for the following countries:

Algeria	02/19/2013
Philippines	01/30/2013
Afghanistan	01/29/2013
El Salvador	01/23/2013

Travel Warnings are issued to describe long-term, protracted conditions that make a country dangerous or unstable. A Travel Warning is also issued when the U.S. Govern-

ment's ability to assist American citizens is constrained due to the closure of an embassy or consulate or because of a drawdown of its staff. This information is available at http://travel.state.gov/travel/cis_pa_tw/tw/tw_1764.html.

Since our previous Newsletter, the U.S. Department of State has issued new **Travel Alerts**:

Egypt 02/06/2013

Travel Alerts are issued to disseminate information about short-term conditions generally within a particular country or region that pose imminent risks to the security of U.S. citizens. Natural disasters, terrorist attacks, coups, anniversaries of ter-

rorist events, election-related demonstrations or violence, and high-profile events such as international conferences or regional sports events are examples of conditions that might generate a Travel Alert. This information is available at http://travel.state.gov/travel/cis_pa_tw/pa/pa_1766.html.

The most up-to-date information regarding permitted and **prohibited items** on flights can be viewed online at www.tsa.gov.

For additional information, please visit "**Americans Traveling Abroad**" on the U.S. Department of State website: http://travel.state.gov/visa/americans/americans_1252.html.